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Remarks

Claim 15 has been amended so that it properly depends from claim 1 rather than claim 5. Claims 1, 6, 7, 15 and 19 are pending and (but for the small correction to claim 5) remain as they were previously amended. For at least the reasons stated below, Applicants assert that the pending claims are now in condition for allowance.

1. 35 U.S.C. § 103 Rejections

The Examiner rejected claims 1, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Kunkel et al. (5,961,603) in view of Abato et al. (6,513,069), claim 2 as unpatentable over Kunkel in view of Abato in further view of Kaplan (6,058,430), claim 15 as unpatentable over Kunkel in view of Abato in further view of Official Notice, and claim 19 as unpatentable over Kunkel in view of Abato in further view of Back et al. (6,515,690).

A. Kunkel and Abato do not teach or suggest all elements of claim 1

As was stated in the prior Response filed by Applicants, claim 1 states that one aspect of the invention is (with each element labeled for discussion purposes only):

A system for organizing and accessing content over a network of computers, the system comprising:

- (a) a database system connected to the network that contains a mapping of a plurality of channel codes to a plurality of network addresses and a plurality of content descriptions, where each channel code comprises a textual genre code and a number, and where each network address identifies a unit of content;

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- (b) a content provider interface to the database system that is connected to the network, for allowing content providers to enter the network addresses and the content descriptions into the database system for the units of content;
- (c) a personal computer connected to the network, for use by a computer user to view the units of content over the network; and
- (d) a viewer interface software that is loaded on the personal computer, the viewer interface comprising a guide and a browser-independent virtual remote control;
- (e) wherein the guide shows the content descriptions for units of content and allows a viewer to select one of the channels for viewing in a network browser application running on the personal computer;
- (f) wherein the personal computer displays the guide to the computer user independently from the network browser application; and
- (g) wherein the virtual remote control allows the computer user to display the units of content through the network browser application by inputting a textual genre code and a number or by selecting a textual genre code and then scanning channels by browsing through the channel codes for that genre code;
- (h) wherein scanning channels by browsing through the channel codes for a genre code comprises cycling only through the channel codes for which units of content are accessible;
- (i) wherein the channel code is not a URL.

The Patent Examiner asserts that Kunkel teaches elements (a) and (b) while Abato teaches the remaining elements (c) through (i). Applicants respectfully disagree.

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(1) Kunkel does not teach element (a)

As to element (a), the Examiner points to column 4, lines 40-55 in Kunkel for support. This section teaches that a headend component receives video programming via satellite and accesses hyperlink databases. The reference information stored in the hyperlink databases is related to the programs and advertisements that are broadcast through the video programming. As Applicants pointed out in the previous Response, the reference information in the hyperlink databases "preferably includes ... information regarding each program or advertisement ... [and] a key piece of information will typically be a Uniform Resource Locator (URL)". The Kunkel system uses this URL to "reference more detailed information [about] the programs and advertisements being broadcast." In other words, as the headend component distributes video programs and ads to the user's television, the use of embedded URLs in the video content enables the user to jump to content on the internet that is related to the show or commercial currently being viewed. In such a system, the show/commercial being watched by the user controls what on-line supporting content will be displayed to the user. The user cannot choose to see the supporting content at any time of the day, but only when the associated show or ad is being played on the television.

In the prior Response, Applicants discussed why Kunkel fails to teach the limitations in element (a). Unfortunately, in his final Office action the Examiner did not explain why his rejection was maintained in view of Applicants' arguments. Therefore, Applicants will again explain some of the shortcomings of Kunkel in view of element (a).

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Element (a) requires that the database maps "channel codes" to network addresses and content descriptions. As will be discussed below, it is these "channel codes" that allow the user to easily choose what on-line content to view. As will also be discussed below, claim 1 explicitly prohibits the use of a URL as a channel code. Rather, as required by the claim, a channel code is "a textual genre code and a number" (e.g., CM0015). As Kunkel makes no teaching or suggestion of the user of a "channel code" that is defined as a textual genre code and a number, Kunkel does not teach or suggest the limitations in element (a) of claim 1.

(2) Abato does not teach element (d)

The Examiner asserts that Abato teaches the remaining elements (c) through (i). To support this, Examiner relies on figures 2 and 7 as well as column 10 (lines 15, 25-31). Applicants disagree that Abato teaches all of the limitations of (c) through (i).

The section of column 10 used by the Examiner in his rejection discusses the following:

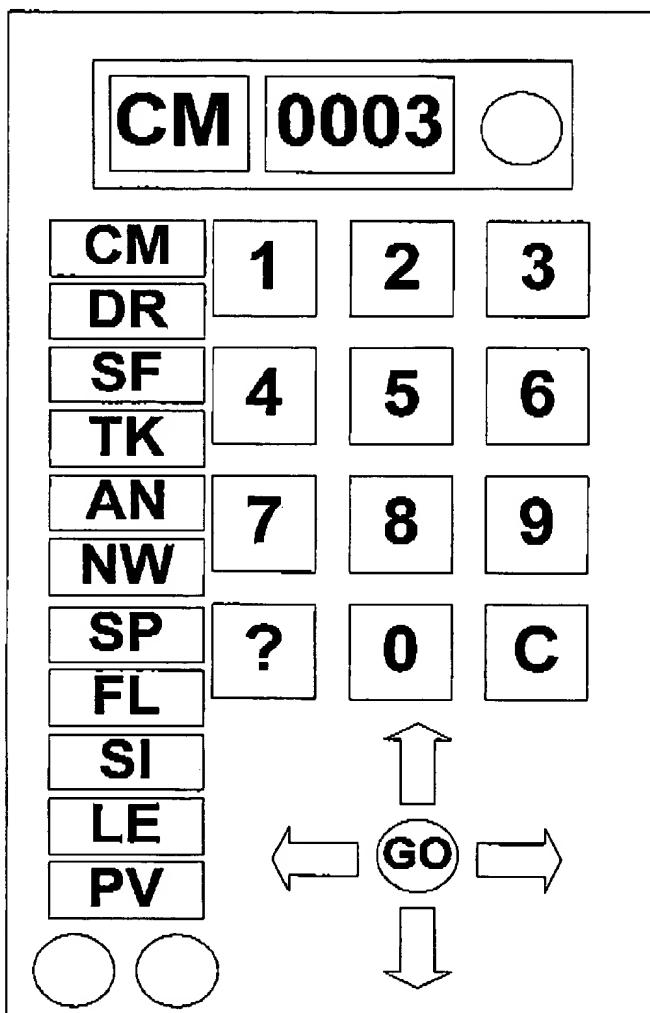
Web pages are matched up with particular video content and are presented to the user. The web pages may include a hyperlink to allow a user to load the necessary client software which will then call up a television channel referenced in that web site. For example, when someone is browsing on the internet, the user may arrive at the web site for a major television network. On this webpage may be an interesting story. By clicking on a link in the story, the system may turn the television to the network's channel. The Abato invention does not only work with live televised programming but may also work with programming recorded on DVD or videotape. To do this, the user's PC and the user's television are connected to the DVD or video player.

This teaching along with the drawings in figure 2 and 7 do not support all of the limitations provided in claim 1's elements (c) through (i).

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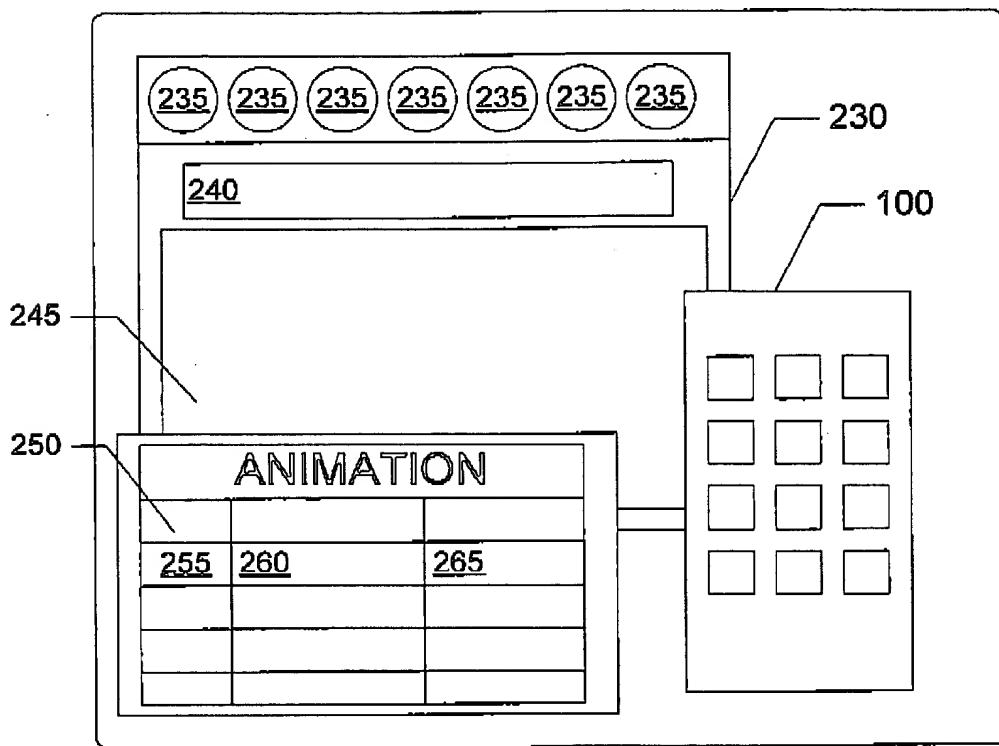
First, in regards to element (d), the use of a "virtual remote control" that is "browser-independent" is required in the present invention. Such a virtual remote control (100) is shown in figure 2 as:



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Figure 4 from the Application shows how the virtual remote control (100) and the guide (250) are found on the user's computer screen independent from the user's traditional browser 230:



Column 10's section does not discuss any use of a virtual remote control. Nor does figure 2. While figure 7 shows some type of user interface, there is no "virtual remote control". As supported in the specification, such a "virtual remote control" is a device that resembles a hand-held remote control that is commonly used to control televisions, where this remote control is virtual due to the fact that it is graphically illustrated on the user's computer display rather than being a physical remote control device. Not only does figure 7 not show a virtual remote control, it only displays the user interface for Netscape (see the top left portion of the drawing).

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As one in the art is aware, Netscape is a commonly-used internet browser. Therefore, figure 7 cannot display a virtual remote control that is "browser independent", as required by element (d).

(3) Abato does not teach element (f)

Element (f) requires that the guide that is displayed on the PC's screen is shown "independently from the network browser application". Neither figure 2 nor column 10 address the limitations of element (f). Figure 7 shows a user interface with descriptions, but as discussed above, this user interface is displayed in the Netscape browser application. This contradicts element (f)'s requirement that the guide be independent from such a browser. Therefore Abato's figure 7 teaches away from the present invention.

When one wishes to access on-line content in a traditional browser, one must type in a URL, which can be quite long and easy to mistype. As element (f) requires, the present invention allows the user to access the virtual remote control and the guide that appears separately on the screen from the user's standard browser. On this virtual remote control the user can press the buttons to enter the textual genre code (such as "CM") followed by a number (such as "0015"). Such a channel code is usually much easier to enter than a URL and because of the genre code the user is ensured that the resulting content will fall within the desired genre category.

(4) Abato does not teach element (g)

The Examiner asserts that column 10 teaches element (g). This element requires that the virtual remote control (which is not taught by Abato) operates in two modes. In mode one, the

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user types in a textual genre code and a number. For example, the textual genre code may be "CM" to indicate the Comedy genre. The number may be "0015" so that the channel code is the concatenation of these two pieces (i.e., "CM0015"). In mode two, the user types in the textual genre code (such as "CM" for Comedy) and then may press the up or down arrow keys to scan through channel codes for that genre. For example, by pressing the up arrow, the user may first be directed to channel code "CM0001". By pressing the up arrow again, the user may be direct to channel code "CM0005" (if CM0002, CM0003, and CM0004 do not currently represent any available content).

As any television viewer will understand, channel surfing through the hundreds of channels available on cable requires the user to check each channel, even if the user already knows that he or she is in the mood to watch a comedy show. Applicants invention allows the user to quickly surf through only those channel codes that relate to the chosen genre.

The Examiner asserts that column 10 teaches these two modes of using textual genre codes along with a number to form a channel code, and to use a textual genre code and the arrow keys to scan only for content in a desired genre. By reading the summary of the section of column 10 above, one will understand that no such teaching occurs.

(5) Abato does not teach element (h)

The Examiner likewise asserts that column 10 teaches how to operate the second mode of the virtual remote control, where the use may enter the textual code CM in order to surf/scan through comedy content and where the system only scans through channel codes that have

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content, bypassing those without content (i.e., progressing from CM0001 directly to CM0005 if CM0002, CM0003 and CM0004 do not have content). As just discussed, Abato does not teach the use of such channel codes requiring a textual genre code and a number. Nor does Abato teach the channel scanning feature where channels in the genre without content are automatically bypassed.

(6) Abato does not teach element (i)

The above discussion showed that Kunkel teaches away from element (i) since Kunkel's key piece of data is a URL and since element (i) prohibits URLs. Abato also teaches away from element (i) since it also discusses the use of "embedded URLs" as part of its system.

As these shortcomings of the references show, Kunkel and Abato do not (alone or in combination) teach each and every element of claim 1 and therefore Applicants request that the rejection of claim 1 be withdrawn.

B. Kunkel and Abato do not teach or suggest all elements of claim 7

The above discussion refutes Examiner's rejection to claim 1 and requests that claim 1 be allowed. Since claim 7 depends on claim 1, it includes all of the limitations from claim 1 and so is likewise allowable. That being said, Examiner's individual rejection of claim 7 will now be discussed.

The Examiner asserts that Abato's column 6 (lines 30-44) proves that the Abato invention does not access the Domain Name System ("DNS") to access the content. Reading column 6 shows that Abato accesses two types of content: NTSC signals (i.e., television

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programming that is transmitted over the public airwaves or is provided via cable) and Internet content. The first paragraph of the detailed description of Abato (column 5, lines 45-47) asserts that its invention receives "video program along with embedded ... URLs which direct the user's computer to address locations, or Web sites, on the Internet".

Applicants invention does not deal with NTSC signals. Rather, claim 1 (from which all other claims depend) requires that the invention is for accessing content "over a network of computers". The internet is one such example of a network of computers. Claim 7 requires that content from the internet (or other network of computers) is accessed without the use of the internet domain name system. This system is commonly referred to as DNS. Domain names and URLs are the usual way to access online content. Claim 1's prohibition of URLs and claim 7's prohibition of the DNS require that the present invention work outside of this normal protocol, which enables the invention to overcome the disadvantages of current systems and offers new advantages. As Abato requires embedded URLs for internet content it necessarily uses the DNS to resolve those URLs. Therefore, Abato does not teach the limitations found in claim 7.

C. Kunkel, Abato and Kaplan do not teach or suggest all elements of claim 6

The present invention's ability to scan through channel codes (such as "CM0001") within a desired genre has been discussed above and it has been shown that Kunkel and Abato do not teach such a feature. The Examiner asserts that Kaplan teaches the "favorite channels" limitation found in claim 6. While Kaplan does discuss "favorite channel list", it does not teach or suggest the use of channel codes that use a textual genre code followed by a number, as required in claim 6.

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D. Kunkel, Abato and Back do not teach or suggest all elements of claim 19

Claim 19 provides the feature allowing the user to use a genre code (such as "UC" which could stand for "U Choose") wherein this "textual genre code represents units of content chosen by the user." In other words, while the "CM" textual genre code ensures the viewer will access comedy content, the "SF" textual genre code ensure the viewer will access science fiction content, etc., the "UC" textual genre code enables the user to attach any type of content together using this one pseudo-genre.

The Examiner asserts that Back (column 5, lines 34-40) teach this ability to set up new textual genre codes. Applicants disagree. Back provides for "indicators of text streams" which correspond to "content selected by the user". No teaching of leveraging one of the textual genre codes for representing units of content specified by the user is made or suggested in Back and therefore Applicants request this rejection be withdrawn.

2. Conclusion

As discussed above, the cited references fail to teach a system where a browser-independent virtual remote control and guide are available to a computer user in order to input a channel code (that is made up of a textual genre code and a number, such as CM0005), where the channel code is then used to access on-line content without the user's direct use of a URL. As the cited references fail to teach numerous aspects of the claims, Applicants submit that all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a conversation would expedite the prosecution of

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this application, the Examiner may reach the undersigned by phone at 612-607-7508 or by e-mail at SLieske@Oppenheimer.com. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees (including fees for any extension of time) to Deposit Account No. 50-1901 (Docket # 20118-13).

Respectfully submitted,



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